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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/772,560

02/05/2004

Patricia Lewis

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HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

EXAMINER

CHIN SHUE, ALVIN C

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

10/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/772,560	Applicant(s) LEWIS ET AL.	
	Examiner Alvin C. Chin-Shue	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

The request filed on 8/3/09 for a Request for Continuing Examination (RCE) under 37 CFR 1.114 is acceptable and an RCE has been established. Any previous finality is hereby withdrawn and a new action on the merits follows. Any newly-submitted claims have been added. An action on the RCE follows.

Claims 1, 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hengstenberger et al. '671 in view of Nunn et al. and Schoenbrun. Hengstenberger shows a drag harness 10 of a type used by a rescuer to drag a wearer lying in a supine position from a perilous situation, the drag harness comprising a single arm loop 14 for both arms and a drag grip 16, all of which are defined by a single continuous length of strapping fixed directly to itself, the arm loop having a fixed length and being adapted to receive the arms of a wearer, the claimed difference being the pair of fixed arm loops for separate arms. Nunn shows a harness having first arm loop defined by a first strapping length 14 that is doubled against itself to define first and second lapped lengths of the strapping, a second arm loop defined by a second strapping length 14 that is doubled against itself to define a third lapped length of the strapping, the first, second, and third lapped lengths of the strapping residing in stacked relationship at a first location 19. Schoenbrun shows a pair of fixed arm loops comprising a first arm loop 3,B,,

and a second arm loop 2,A fixed in a stacked relationship at 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hengstenberger for his arm loop to comprise a pair of loops, as taught by Nunn, for encircling each arm, and for the arm loops to be fixed at the stacked location, as taught by Schoenbrun, to enable fixed size loops.

Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hengstenberger et al. '671 in view Nunn et al and Schoenbrun, as applied to claim 1 above, and further in view of Crouch. Crouch shows a continuous length of strapping 20 having spaced first and second ends at 24, hand loop 16 is defined by a strapping length that is doubled against itself to define lapped lengths of the strapping that reside in stacked relationship with each other and another lapped length of the strapping at the first end, and the lapped lengths and the another length of the strapping are fixed together by stitching 24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hengstenberger for his drag loop 16 at 12 to be formed by the free ends of is strap stacked and secured to the body of the strap , as taught by Crouch, as a known continuous strap ends hand loop connection.

Applicant's arguments with respect to claims 1,2 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alvin C. Chin-Shue

Application/Control Number: 10/772,560
Art Unit: 3634

Page 5

Primary Examiner
Art Unit 3634

/Alvin C. Chin-Shue/
Primary Examiner, Art Unit 3634